

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.19817 of 2016 and
WMP No.17093 of 2016

Hasan Moulana

.. Petitioner

Vs.

1.The Commissioner of Police, (Greater Chennai)
Egmore, Chennai - 600 008

2. Inspector of Police (L&O)
Ambattur Police Station,
Chennai

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 31.05.2016 to provide round the clock armed police protection to the petitioner.

For Petitioner : Mr.A.P.Surya Prakasam

For respondents : Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

सत्यमेव जयते

This Writ Petition has been filed to direct the first respondent to consider the representation of the petitioner dated 31.05.2016 to provide round the clock armed police protection to the petitioner.

2. The petitioner has contested in the 2016 General Election to the Tamilnadu Assembly as a candidate of Congress and DMK alliance in the Ambattur Constituency at Chennai. The political opponents with a view to threaten and scare the petitioner away from the field, tried several times to harm him physically to prevent his canvassing. The petitioner ignored their threat and continued his canvassing.

3. As the antisocial elements failed in their attempt, to prevent the petitioner from canvassing, the opposite party has

taken violence in their hands and in pursuance to the same, on 11.05.2016 at about 4.00 p.m., while the petitioner was proceeding to his constituency for canvassing, at Athipattu Petrol bunk junction, three antisocial elements standing at the Redhills-Tambaram over bridge, thrown acid bottle on the petitioner's car bearing registration no.TN 05AJ9199 with a view to cause serious physical injury. Fortunately, the acid bottles and eggs filled with acid fell down narrowly. Immediately, petitioner got down from the car and the party volunteers attempted to catch the said antisocial elements, but before the petitioner could reach the over bridge, the miscreants escaped by warning the petitioner not to proceed with the canvassing and further threatened to murder the petitioner, if he proceed to police station and lodge complaint against them.

4. The party members, who were traveling with the petitioner took him to Kilpauk Hospital for treatment and the petitioner was discharged after proper medical treatment. A police complaint was lodged by Mr.Rajagopal, who is the election agent and traveling with the petitioner at the time of occurrence of the offence. As there was apprehension of serious threat to petitioner's life, the election commission has provided armed police escorts to enable the petitioner to proceed with canvassing. After the election was over, all of a sudden, the police protection given to the petitioner was withdrawn.

5. Admittedly, the investigation was not carried out by the 2nd respondent neither to arrest the accused nor to file charge sheet to take up the case to its logical conclusion. Hence the petitioner has made a representation on 31.05.2016 to the respondents to provide round the clock police protection to the petitioner. Since the said representation was not considered by the respondent till date, the present Writ Petition has been filed.

6.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the materials available on record.

7.Considering the submissions made on either side without going to the merits of the claim of the petitioner constrained to pass the following order:-

This Court directs the petitioner to submit a fresh representation to the 2nd respondent along with a copy of this Order within a period of one week from the date of receipt of copy of this order and on receipt of such representation along with a copy of this Order, the 2nd respondent is directed to pass an appropriate orders with regard to providing police protection to the petitioner on merits within a period of two

weeks thereafter.

8. The Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

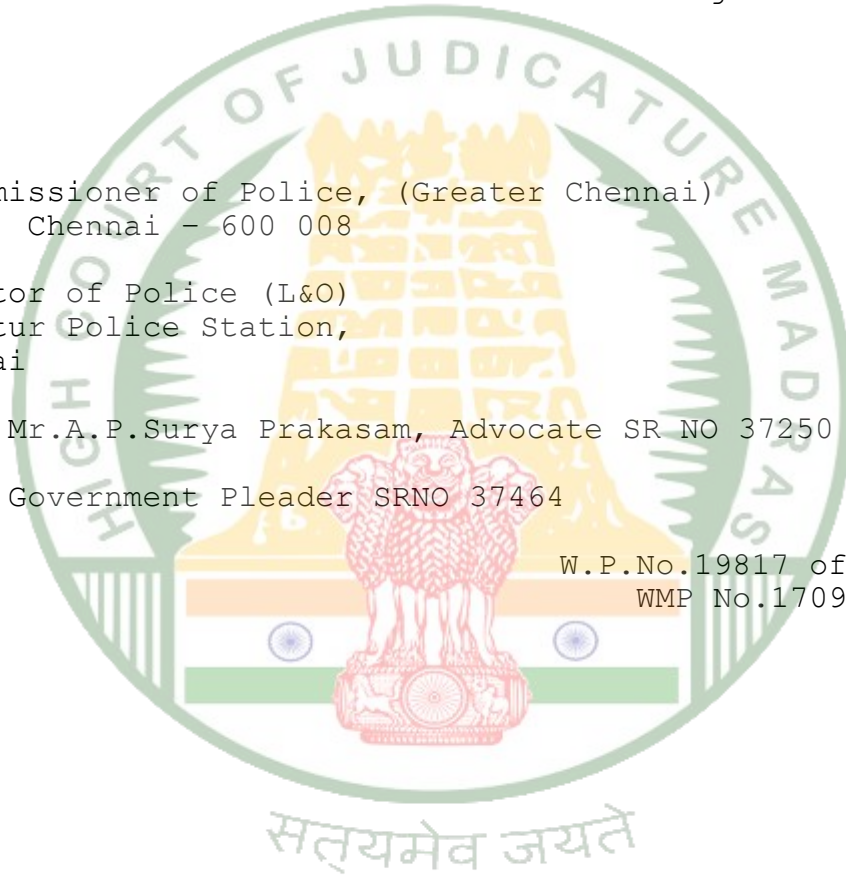
ssd

To

- 1.The Commissioner of Police, (Greater Chennai)
Egmore, Chennai - 600 008
 2. Inspector of Police (L&O)
Ambattur Police Station,
Chennai
- + 1 CC to Mr.A.P.Surya Prakasam, Advocate SR NO 37250
+ 1 cc to Government Pleader SRNO 37464

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GP/21.7.



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